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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,384	07/21/2000	Youn-Man Lee	P2014	4446

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,384

Applicant(s)

YOUN-MAN LEE

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. **Claims 1-18**, are rejected under 35 U.S.C. 102(e) as being anticipated by Son et al. (US Patent Number 6,278,887 B1).

Regarding **Claims 1, 13, 17**, Son teaches a battery saving method of controlling the display of a portable telephone/computer product having an answer key and a display is configured to be supplied with power (col 4 lines 32-38), comprising the steps of

making a determination as to whether (col 7 lines 38-41) a user of the telephone has **activated** the answer key to originate a call from the telephone, in response to an incoming call (col 8 lines 34-40);

if the determination is that the Send key has been activated, checking to determine whether a call has been established responsive to the activating of the SEND key (col 8 lines 1-10); and

if it is determined that the call has been established, deactivating the power supplied to the display in response to the call being placed from the telephone due to the activation of the answer key (col 8 lines 34-40). Son does not mention specifically that **if the determination is that the Send key has been activated, checking to determine whether a call has been established responsive to the activating of the SEND key**.

Regarding **Claims 2, 4**, Son teaches a battery saving method/computer product **wherein the deactivating** is further **subject** the expiration of a predetermined time period if the SEND key is activated (col 6 lines 11-20).

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Regarding **Claim 3**, Son teaches a method for saving battery lifetime by controlling the power supplied to the display unit of portable telephone, the display unit being configured to be supplied with power, the method (col 4 lines 32-38) comprising the step of :

(a) determining whether an originating party has used the telephone to request a call connection to place a call of a portable telephone having a answer key and a display configured to be supplied with power (col 8 lines 35-47);

(b) **if the determined in step (a) that the telephone has been used to setup the call determining whether the call has been set up** (col 6 lines 38-41, lines 45-55).

c) deactivating the power supplied to the display based on the determination in step (b) **that said call has been set up** (col 6 lines 38-41, lines 45-55).

Regarding **Claims 4, 8, 12, 18**, Son teaches a method/computer product/telephone **wherein the activating is further** comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period **since the originating party has used the telephone to set up a call to the terminating party** (col 6 lines 10-19).

Regarding **Claims 5, 9, 15**, Son teaches a method/computer product/telephone wherein the deactivating step comprises the step of turning off a back light and a liquid crystal display (LCD) (col 6 lines 12-14), the method further comprising the step of turning on the LCD after the call has ended (col 6 lines 47-57).

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Regarding **Claims 6, 10, 16**, Son teaches a method/computer product/telephone further comprising the step of after powering on the telephone turning on the LCD and turning off the back light (col 6 lines 10-19).

Regarding **Claims 7, 11**, Son teaches a portable telephone comprising:

a SEND key (col 8 lines 34-40);

a display configured to be supplied with power (col 8 lines 34-40); and

Son inherently teaches a processor configured for making a determination as to whether a user of said telephone has activated said SEND key (col 8 lines 1-10); if the determination is that the SEND key has been activated, checking to determine whether a call has been established responsive to the activating of the SEND key; and if it is determined that the call has been established, deactivating the power supplied to the display (col 3 lines 39-40, col 7 lines 35-43).

Response to Arguments

4. Applicant's arguments filed 11/19/04 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*Son does not check whether a user of the telephone activates the Send key to place a call from the telephone as explicitly required by the language of present application as recited in claim, and nowhere does Son disclose or suggest deactivation of the power to the display of a telephone in response to initiating or placing a call from that telephone.*"

Examiner disagrees with the applicant, Son detect the incoming call, and then activates the SEND key. Detecting the incoming call and activating the Send key (timer is reset). Another word, Son's system has to be able to check if the Send key is pressed, in order to reset the timer, then after the timer T1 is expired, Son deactivates the power supply to the display in response to the originating call from the telephone. If the call is not originated, the timer never resets and the deactivation of the power supply to the display never occurs. Therefore, similar to the present application, Son does check whether a user of the telephone activates the SEND key to originate a call from the telephone, and deactivates the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.

In response to the applicant's argument that *Son fails to teach deactivation of the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key*".

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone actives the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention.

The Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined time period or window as illustrated by steps 306, 308, and 310 (see figure 6). Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send"

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key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits (col 8 lines 42-48).

In response to the applicant's argument that there is no discussion of the user "originating a phone call from that telephone".

Examiner emphasizes that "*originating a call from a telephone*" is an ordinary action, and usually any cellular phone is able to originate a call from the telephone by pressing a send key or an answer key from a cellular phone. The Examiner does not see any novelty by originating a call from the telephone, in addition; Son does inherently teach the originating a call from the telephone.

In response to the applicant's argument that Son does not disclose step of checking whether a use of the telephone activates the SEND key to place a call is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention, the Examiner states that Son does teach the LCD back light feature, the keypad back light is activated if a keystroke is entered while the time is within the predefined

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time period or window as illustrated by steps 306, 308, and 310. Note also that the keypad back light can be similarly activated if the time is within the predefined window upon receipt of an incoming call. This feature may be omitted as most users do not access the keypad to accept the call other than where a keystroke is required to answer the call (e.g., by depressing the "send" key) (col 8 lines 1-10). Son further teaches a timer triggered on voice mail keystrokes may be implemented as being longer than a timer triggered on regular keypad keystrokes. Similarly, depression of a "send" button may trigger a shorter timer, as the "send" button is oftentimes the last button entered in placing or accepting a call. In other words, after the "send" button is pressed, in most scenarios, the user is not viewing the display or using the keypad, but immediately begins speaking on the handset (col 8 lines 34-47). Similarly, other time periods can be chosen for other keys, other sections of the keypad, or different time periods can be chosen based on the application being accessed by the device. This allows flexibility in establishing timeout periods to optimize the power-down features based on anticipated user habits 9col 8 lines 42-48). Therefore, Son does detect the incoming call and presses the originating key, and after predetermined time the display light is turned off for the purpose of saving power consumption.

Conclusion

5. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159. The examiner can normally be reached on 8:00- 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 19, 2005

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